

CDC Response to Ill Travelers at the Border

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CDC Authority

- **Public health is primarily a STATE responsibility**
- **Federal authority extends to international, interstate commerce**



CDC Authority

- The Secretary of Health and Human Services (HHS) has the authority “to prevent the introduction, transmission, or spread of communicable diseases from foreign countries into the States or possessions, or from one State or possession into any other State or possession.” Public Health Service (PHS) Act, 42 U.S.C. § 264 section 361



CDC Role

- “Apprehension, detention, examination, or conditional release” of international or interstate travelers who are reasonably suspected of being in a ‘qualifying stage’ of a communicable disease.





CBP Role

- Admission of qualified persons into the US
- Recognition of ill travelers
- Any refusal of admission for a medical reason must be made on the recommendation of CDC



Federally Quarantinable Conditions

Plague	Smallpox
Yellow Fever	Cholera
Diphtheria	Infectious tuberculosis
SARS	Viral Hemorrhagic Fevers

Influenza caused by novel or reemergent influenza viruses that are causing or have the potential to cause a pandemic.

(Executive Order 13295)



“Conditions of Public Health Significance”

- Transmissible diseases not included among Federal quarantinable conditions
- examples:
 - measles
 - meningococcal meningitis



Requirement for Quarantine

- Reasonable basis for suspicion of a federally quarantinable condition
- May include overt illness, incubation, or asymptomatic infectiousness
- Must have some “real or substantial relation to the protection of the public health and the public safety”

-- (Jacobson vs Comm MA)



Assessment of Ill Traveler

- Clinical condition
 - Signs and symptoms
 - Timing of illness
 - Presence of other cases
- Epidemiologic history
 - Immunization history
 - Travel itinerary
 - Exposure history



Order of Quarantine

- Issued by Director, CDC
- Delegated to Director, DGMQ
- May be issued verbally, with subsequent written order



CDC Quarantine Order

- Does not require definitive diagnosis or evidence of refusal to cooperate with public health authorities
- Applicable to any person entering the US, regardless of citizenship, diplomatic status
- Effective everywhere in US jurisdiction



Quarantine Order (Proposed)

- **Temporary Order**
 - In force up to 72 hours
 - Limited right to challenge
- **(Definitive) Order**
 - May be imposed for full period of contagion
 - Provides for due process



Financial Responsibility

- **Public Health Service Act**
 - Authority to care for and treat persons in quarantine
- **Memorandum of Agreement (hospitals)**
 - Provides for admission for diagnosis of persons suspected of having a quarantinable condition



Quarantine Enforcement

- Failure to obey a Quarantine Order is a criminal misdemeanor
- CBP officers, Coast Guard are authorized to enforce federal orders
- CDC authorized to accept State, local assistance in enforcing an order



What we cannot do

- Require a person to undergo intrusive examination, testing, or treatment.
- “I would rather have the cholera than such a proposition as this.” - *Response of a legislator to proposed rigid quarantine law to prevent introduction of cholera in 1866*



*Report by Congressional Research Service
on Quarantine and Isolation Laws
(2007)*

- “It is critical for ... responders to be sensitive to the rights of affected individuals ... because in the heat of the moment concern for individual rights may be seen as a secondary matter”

